IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

**CRIMINAL APPLICATION NO. 8048 OF 2005**

Bhaskar Namdev Chandane..... .. Applicant.

Versus

The State of Maharashtra. .... Respondent.

Mr. R. D. Suryawanshi with Mr.Dilip V. Kedar
for the Applicant.

Mr. R. Y. Mirza, APP for the State.

**CORAM : V. M. KANADE, J.**

**DATED : 15TH FEBRUARY, 2006.**

**P.C.:**

Heard learned Counsel for the Applicant and the learned APP for the State.

2. This is an application by the Applicant for relaxation of the conditions imposed by the Ad-hoc Addl. Sessions Judge, Kalyan, in an application filed by the present Applicant in the Sessions Court. The Applicant was arrested for an offence punishable under Section 386 of the Indian Penal Code and was released on bail. However, on 9th May, 2005 when the case was called out in the Sessions Court, he was absent and

therefore non-bailable warrant was issued and the Applicant was arrested. Thereafter he preferred an application for bail in the Sessions Court and in the said application the Applicant was directed to furnish P.R. Bond of Rs.20,000/- with one surety and also to deposit a sum of Rs.10,000/-.

3. It is submitted by the learned Counsel appearing for the Applicant that the Applicant has remained absent on one date due to unavoidable circumstances. He submits that though the order was passed on 14th November, 2005 he could not furnish surety of Rs.20,000/- or deposit the amount of Rs.10,000/- as directed by the Sessions Court. He submits that this condition therefore may be relaxed.

4. It is an admitted position that the Applicant is an agriculturist having his agricultural land at Village Fansoli, Tal. Murbad, Dist. Thane and is permanently residing at the said place with his family and therefore there is no likelihood of his absconding. Though the Applicant was re-arrested in July 2005 and thereafter he was directed to be released on bail by the sessions Court, he could not avail of the benefit of the order on account of the

condition that was imposed. In these circumstances, I am of the opinion that the condition imposed by the Sessions Court needs some modification.

5. The Applicant shall be released on bail in the sum of Rs.5,000/- with one or two sureties in the like amount. The Applicant shall, however, report to the Murbad Police Station once in a week pending the hearing and final disposal of the case. The order passed by the Sessions Court is accordingly modified.

6. It is clarified that if there is any breach of the condition imposed by this Court, liberty is granted to the Respondent to file application for cancellation of bail.

7. This application is accordingly disposed of.

Sd/-

**(V. M. KANADE, J.)**